

FILED

REDACTED COPY UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

2018 SEP 26 PM 12:07

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

UNITED STATES OF AMERICA

§ Cause No.:

§
§ **INDICTMENT**
§

v.

§ [Vio: COUNT 1: 18 U.S.C. § 111(b) -
§ Assaulting, Resisting or Impeding Certain
§ Officers or Employees with a deadly or
§ dangerous weapon; COUNT 2: 8 U.S.C. §
§ 1326(a) & (b)(1)/(2) - Illegal Re-entry into
§ the United States.]

LEIVIN PINEDA

THE GRAND JURY CHARGES:

DR 18 CR 1989

COUNT ONE
[18 U.S.C. § 111(b)]

On or about September 2, 2018, in the Western District of Texas, Defendant,

LEIVIN PINEDA,

did knowingly and intentionally forcibly assault, resist, oppose, impede, intimidate, and interfere with officers and employees of the United States, that are United States Border Patrol Agents R.M. and J.L., with a deadly or dangerous weapon while they were engaged in and on account of the performance of their official duties, in violation of Title 18, United States Code, Section 111(b).

COUNT TWO
[8 U.S.C. § 1326(a) & (b)(1)/(2)]

That on or about September 2, 2018, in the Western District of Texas, Defendant,

LEIVIN PINEDA,

an alien, attempted to enter, entered, and was found in the United States having previously been denied admission, excluded, deported and removed from the United States on or about July 13, 2018, and that the Defendant had not received the consent of the Attorney General of the United

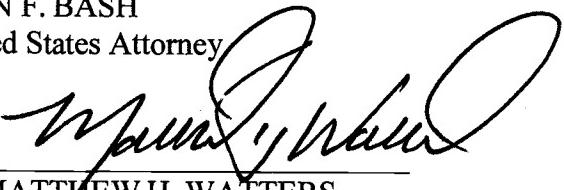
States and the Secretary of the Department of Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) and (b)(1)/(2).

A TRUE BILL.

FOREPERSON

JOHN F. BASH
United States Attorney

By:


MATTHEW H. WATTERS
Assistant United States Attorney

SEALED:
UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: MAVERICK

USAO#: 2018R19202

DATE: SEPTEMBER 26, 2018

MAG. CT. #: DR18-8142M

AUSA: MATTHEW H. WATTERS

DEFENDANT: LEIVIN PINEDA

DR 18 CR 1989

CITIZENSHIP: HONDURAS

INTERPRETER NEEDED: YES

LANGUAGE: SPANISH

DEFENSE ATTORNEY: JUAN NERI, III

ADDRESS OF ATTORNEY: 2205 VETERANS BLVD. SUITE A-2, DEL RIO, TEXAS 78840

DEFENDANT IS: DETAINED

DATE OF ARREST: SEPTEMBER 2, 2018

BENCH WARRANT NEEDED: NO

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: INDICTMENT

OFFENSE: (Code & Description): COUNT 1: 18 U.S.C. § 111(b) - ASSAULTING, RESISTING OR IMPEDED CERTAIN OFFICERS OR EMPLOYEES WITH A DEADLY OR DANGEROUS WEAPON; COUNT 2: 8 U.S.C. § 1326(a)(1) & (b)(1)/(2) - ILLEGAL REENTRY AFTER DEPORTATION.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: FOR EACH COUNT: 20 YEARS IMPRISONMENT; A \$250,000 FINE; 3 YEARS OF SUPERVISED RELEASE; AND A \$100 SPECIAL ASSESSMENT.

PENALTY IS MANDATORY: YES & NO

REMARKS: SEE ABOVE

W/DT-CR-3